

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE EUGENIO INFANTE,

Plaintiff,

CIVIL ACTION NO.: 22-cv

v.

NOTICE OF REMOVAL

KEVIN MOUZON and CAROLINA TANK LINES
INC.,

Defendants.
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TO: Law Office of Stephen Ghee, PLLC
221-10 Jamaica Ave., Suite 106
Queens Village, NY 11428

PLEASE TAKE NOTICE that on this date defendants KEVIN MOUZON and CAROLINA TANK LINES INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 USC §1446(a) in the office of the Clerk of the United States District Court for the Eastern District of New York and show:

1. Plaintiff JOSE EUGENIO INFANTE instituted a lawsuit against the defendants in the Supreme Court of the State of New York, County of Kings by filing a Verified Complaint on or about January 28, 2022. Ex. A.

2. Upon information and belief, the Summons and Verified Complaint were not received by defendant CAROLINA TANK LINES INC. to date.

3. Upon information and belief, the Summons and Verified Complaint were not received by defendant KEVIN MOUZON to date.

4. On May 4, 2022, defendants KEVIN MOUZON and CAROLINA TANK LINES INC. filed an answer to the plaintiff's Verified Complaint. Ex. B.

5. There have been no other proceedings in this action.

6. Plaintiffs JOSE EUGENIO INFANTE purports to be a citizen and resident of the

State of New York, residing in the County of New York. *Please see* Verified Complaint annexed as Ex. A.

7. Defendant CAROLINA TANK LINES INC. is a North Carolina corporation, with its principal offices in Burlington, North Carolina.

8. Defendant KEVIN MOUZON is a citizen and resident of the State of North Carolina, residing Jacksonville, County of Onslow.

9. On March 31, 2022, the defendants served upon the plaintiff a demand for *ad damnum* Ex. C.

10. The plaintiff has not responded to the defendants' demand for *ad damnum*.

11. On October 15, 2021, the plaintiff underwent left shoulder arthroscopic surgery. Operative report annexed as Ex. D.

12. On December 6, 2021, the plaintiff underwent an interlaminar epidural steroid injection at the L5-S1 level. The corresponding report is annexed as Ex. E.

13. The plaintiff attended physical therapy and chiropractic visits between and August 13, 2021 and March 7, 2022, including extracorporeal shock wave and RPW (Radial Pressure Wave) treatment rendered on August 19, 2021, August 26, 2021, September 2, 2021 and September 7, 2021. The extracorporeal shock wave and RPW (Radial Pressure Wave) treatment reports are annexed as Ex. F.

14. The medical records establish that the plaintiff underwent left shoulder arthroscopic surgery, an interlaminar epidural steroid injection at L5-S1 and extracorporeal shock wave and RPW (Radial Pressure Wave) treatment. These injuries, surgeries and procedures clearly suggest that damages are in excess of \$75,000, together with costs and disbursements, which damages exceed the jurisdictional threshold.

15. Jurisdiction over the subject matter of this action is conferred on this Court by 28 USC §1441(a).

16. Jurisdiction on this Court is proper pursuant to 28 USC §1332 and 28 USC §1441 in

that the parties are of complete diversity, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and no defendant is a citizen of the State of New York.

17. This Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that defendants, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of New York, have also filed a copy of the Notice with the Clerk of the Supreme Court of the State of New York, County of Kings, at the courthouse located at 360 Adams Street, Brooklyn, New York 11201, to effect removal of this action to the United States District Court pursuant to 28 USC §1446(d).

Dated: New York, New York
June 10, 2022

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for Defendants
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s/Lorne M. Reiter

By:

LORNE M. REITER